

Rockefeller Jr. Applauded at Industrial Hearing

Weather—Unsettled to night; Thursday fair and cold.

FINAL EDITION

The



World.

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FRENCH DRIVEN BACK BY THE SAXONS; HOT BATTLES ON KAISER'S BIRTHDAY

THAW MUST STAY IN TOMBS UNTIL TRIAL FOR CONSPIRACY STARTS FEB. 23, JUDGE RULES

Justice Davis Declines to Let Him Go to Bellevue for Sanity Test.

JEROME OUT OF CASE.

State Won't Insist Upon Slayer's Return to Matteawan Until After Trial.

After all the fuss that has been made over the disposition of Harry K. Thaw, his case this morning fell down into the commonplace with a bang. Justice Davis, in the Criminal Term of the Supreme Court, denied the motion of his counsel to commit him to the custody of the trustees of Bellevue Hospital and sent him to the Tombs. He will be put on trial on Feb. 23 upon the indictment for the conspiracy which resulted in his escape from Matteawan Hospital for the Criminal Insane a year and a half ago.

Justice Davis sent for counsel a little before 11 o'clock, and in his chambers an amicable understanding was reached as to the proceedings. Then counsel returned to court, the Judge ascended the bench, and Clerk Penney called "Harry K. Thaw to the bar."

Thaw stepped quickly to the bar, took a chair, but was told to stand and obediently popped up and watched the Judge with earnest attention. Mr. Stanchfield formally renewed the motion to commit Thaw to Bellevue, and the Court denied it. "Nothing appearing in this case at present," said Justice Davis, "authorizes such action. All that remains is to fix a day for trial."

Mr. Penney called on Thaw to plead to the indictment for conspiracy, and Mr. Stanchfield pleaded not guilty. Deputy Attorney General Kennedy called attention to the promise of counsel for the defendant that no application to admit him to bail will be made at present. Then Justice Davis named Feb. 23 as the day to begin the trial for conspiracy.

There was a long wait for the day's business to begin. No fewer than six female sociologists gathered to watch the slayer of Stanford White.

Thaw was brought into court at ten minutes past 10 o'clock and taken within the rail, where he shook hands with his counsel, ex-Judge Morgan J. O'Brien and John B. Stanchfield. He looked far better than he did on Monday, when he had just come in from a long journey and a not too refreshing sleep. The strained, eager look had gone from his eyes and he was not so evidently holding onto himself and trying to act in a calm and collected way. He greeted his lawyers warmly and had a smile and a handshake for his brother, Josiah Copley Thaw, who sat near him; but did not join in the consultation.

Deputy Attorney General Frank K. Cook of Genesee, who took the place of William Travers Jerome, so suddenly released by the State from further activity in the case, joined his associate, Franklin Kennedy. District Attorney Perkins came in presently and conferred with them. Mr. Kennedy said before court was opened that he would not oppose the keeping of Thaw in the Tombs.

"We shall not press the contention that he be returned to Matteawan," he added. "If it is attempted to have him bailed then the commitment by Judge Dowling will be invoked, and we shall try to have him sent to Matteawan. We have no objection to his commitment to the Tombs."

ROCKEFELLER GETS APPLAUSE AS HE QUILTS THE STAND

Captures Hostile Audience in Three-Day Grill Before Industrial Probers.

John D. Rockefeller Jr. made his third day of testimony before the United States Industrial Commission this afternoon and left the stand amid an outburst of applause which startled the observers, who had noticed the hostile attitude of the audience when the young millionaire was first called to testify. It was a personal triumph for the witness.

Mr. Rockefeller and Mother Jones, the labor agitator who has led strikes and fatal strike battles in every part of the United States, had another meeting to-day in the ante-room of the Board of Estimate room in City Hall.

The Standard Oil heir apparent had previously invited Mother Jones to call on him at his office. The two found themselves blocked from leaving by the crowds in the corridor when the United States Industrial Commission adjourned for lunch.

They shook hands and talked weather for a moment. Then Mr. Rockefeller said:

"They do not seem to be through with us yet. We have not had a chance for our talk on industrial conditions. But we must have that talk. I look forward to a great deal of help from you in this matter."

"I want you to be with me when I go to Colorado to make my personal investigations. I want you right with me. Our interests are mutual. We have the same ends in sight. We shall bury the hatchet."

"You know," said the old woman, beaming, "I am not for war. I am not for violence. If you will go with me out to Colorado you will prove yourself a great man—the greatest this nation has ever known."

"Now, now," said Mr. Rockefeller, "You're flattering me."

"No," said Mother Jones, "I don't flatter. I throw more bricks than bouquets. I mean it. We have not ever had a big employer who was broad enough to show his good will that way. We will work this thing out yet, young man."

Mr. Rockefeller's idea as to the get-together movement between capital and labor was brought out during the afternoon by his answer to a question by Commissioner O'Connell.

"I agree with you that much unrest in industry is due to a lack of acquaintance and understanding between employers and laborers."

"When I go to Colorado I hope to have the privilege of meeting the men themselves."

When Mr. Rockefeller was excused permanently from the stand at 3 o'clock he thanked the commission for its courtesy. He asked for help from the commission and said he was sure the work of the commission would have good results not only in

(Continued on Second Page.)

CROPSEY CALLS JUDGE A COWARD IN NEW ATTACK

Scores Justice Benedict for "Gross Act of Judicial Lawlessness."

HITS AT OTHERS, TOO.

District Attorney Says They Confessed Guilt In Grout Matter by Silence.

District Attorney James C. Cropsey of Kings County to-day filed with the committee of the Bar Association of Brooklyn, which is investigating his charge of "hand-picked Judges to try Edward M. Grout," the President of the defunct Union Bank, a lengthy brief in support of his contention and in further criticism of the bench. He handed Justice Benedict quite without gloves. It was this Justice who lectured Mr. Cropsey in court for his "hand-picked" utterances.

The Brooklyn Bar Association had sent invitations to the several Judges and Justices criticised by the District Attorney to appear and reply as they wished, but none of them did so. In his brief Mr. Cropsey cited what he characterized as concrete instances in which the courts had favored Grout in the face of the protest of the District Attorney. They were as follows:

First—Justice Clarke transferred the Grout case from the County Court to the Supreme Court.

Second—Justice Marean illegally struck out parts of the indictment against Grout.

Third—Justice Blackmar declined to pass upon the District Attorney's motion to reopen the case and referred it back to Justice Marean.

Fourth—County Judge Dike insisted upon paroling Grout in the custody of his counsel on the second indictment, which was plainly illegal.

Fifth—Justice Scudder transferred the trial of the second indictment from the County Court to the Supreme Court.

Sixth—Justice Scudder granted full inspection of the minutes of the Grand Jury in the second indictment and delivered an eulogy of Grout as an honest and highly respected citizen.

Mr. Cropsey then went on to state that there were only two instances in which the District Attorney's office had been favored in the courts. These were:

First—Justice Kelly's denial of the motion of Grout's counsel to dismiss the second indictment on the Grand Jury minutes.

Second—Justice Benedict's decision refusing to dismiss the indictment for lack of prosecution and sending it back to the County Court for trial.

Mr. Cropsey criticizes the Justices and Judges for their failure to make statements before the Bar Association, saying:

"Not a single word to contradict the serious charges made against them has been uttered by the Justices. Their failure cannot be treated otherwise than as an admission that they cannot truthfully deny the charges."

Of the utterances of Justice Benedict in court the day he took the District Attorney to task for his speech Mr. Cropsey said:

"The statements made were grossly unjust, unfair and offensive, and the utterance of them in court when they were not called for by any matter before the Justice was a disgraceful spectacle. When I attempted to reply the Justice would not permit me to do so and state facts which had not been correctly stated by the Justice."

Millionaire and Wife Who Has Secretly Filed Suit for Divorce



MRS. AND MR. ROBERT GUGGENHEIM.

WILSON WILL VETO IMMIGRATION BILL

President's Decision Announced After a Conference—Literacy Test the Reason.

WASHINGTON, Jan. 27.—It was stated authoritatively to-day that President Wilson will veto the Immigration Bill because of the literacy test. The announcement was made after a conference between the President and committees of both houses of Congress which had the measure in charge.

For nearly two hours the President listened to arguments by Representatives Burnett of Alabama, Sabath of Illinois, Gardner of Massachusetts and Senator Lodge of Massachusetts, and Robinson of Arkansas. During the hearing Senator Lodge voiced what some of those present construed as an intimation to the President that if the bill were vetoed it would be re-passed by both Senate and House.

Representative Sabath alone asked the President to veto the bill. Lodge told the President he believed the literacy test was the best feasible method for restricting immigration. Mr. Sabath contended there was no public demand for the bill, and Senator Lodge replied that the overwhelming vote in its favor in both Houses of Congress was proof to the contrary.

It is hard to conceive of an act that displays less manhood than this act of Justice Benedict. It was the act of a cowardly man wearing the cloak of a Justice of the Supreme Court.

District Attorney Cropsey received this afternoon a notice from Stephen C. Baldwin, counsel for Edward M. Grout, that on Feb. 8 he will move in the Supreme Court for a change of place of trial of the Grout trial. The motion will be based upon an affidavit signed by Dean Potter, of Mr. Grout's office, that circumstances make it unlikely that Mr. Grout could obtain a fair trial in Kings County.

It is understood that Mr. Cropsey will oppose the motion, and will make an effort to have a Supreme Court Justice from an up-State county come to Brooklyn to try the case.

Are You Going South? Tickets, routes and descriptive literature of all Southern, West Indian, Bermuda, Central American and Mexican lines of travel obtainable from the Southern Railway Company, 100 Broadway, New York City.

WOODS APPOINTS LORD AS HIS SECOND DEPUTY

Former Assistant District Attorney Will Have Charge of Detectives in Three Boroughs.

Police Commissioner Woods to-day announced he had appointed Frank Lord as Second Deputy to succeed J. Robert Rubin, who resigned last October. The new deputy will have general supervision over the detective bureaus of Manhattan, the Bronx and Richmond Boroughs.

In delegating to Deputies Lord and Godley supervision over the detective bureaus Commissioner Woods does not himself relinquish supreme charge, which he took when Rubin resigned.

Deputy Lord hails from Winnebago, Minn. He was graduated from Yale in the class of '98 and from Yale's Law College two years later. He was Assistant District Attorney under William Travers Jerome during the latter's first term. Since then he has been associated with former Assistant District Attorney Rand and Magistrate Kernechan in the practice of law.

BABY SAYRE NOW A "HOPE."

Gets a Pair of Boxing Gloves From Mike Donovan.

WASHINGTON, Jan. 27.—A pair of boxing gloves, just the size for Baby Francis Sayre, who was termed "The White House Hope," were received to-day from Mike Donovan, ex-President Roosevelt's sparring partner.

FOR CANAL ON LONG ISLAND.

Assembly Bill Provides Appropriation of \$500,000 for Project.

ALBANY, Jan. 27.—An appropriation of \$500,000 to dig a canal on Long Island from Jamaica Bay to Great South Bay was asked in a bill introduced in the Senate to-day by Senator George L. Thompson. The measure is intended to facilitate the work already begun by the Government to build an inland waterway from the South to Resien, via Canis, Peconic Bay and the new Cape Cod Canal.

MRS. GUGGENHEIM SUES MILLIONAIRE HUSBAND SECRETLY

Unusual Efforts Are Made to Keep Details of Divorce Action From the Public.

HE'LL PROTECT WOMAN.

Co-Respondent, Said to Be of Social Prominence, Is Called "Unknown" in Papers.

In spite of most unusual efforts to keep it secret, a divorce suit brought by Mrs. Grace H. Guggenheim against her millionaire husband, M. Robert Guggenheim, son of Daniel Guggenheim, Chairman of the Board of Directors of the Smelting Trust, came to light in Part III. of the Supreme Court to-day when the sealed papers were taken out of "quarantine" that the case might be placed on the February court calendar for an early trial.

The action was filed a week ago, though it was served a few days after last Christmas by a member of the firm of Anable, Nicoll, Lindsay & Fuller of No. 61 Broadway.

Little could be learned about the co-respondent in the case. Although she is referred to in the papers as "an unknown woman"—which is the usual method employed in divorce suits of the rich—it is understood she is a woman of prominence and moved in exclusive society circles. Whether she is known or not, Mr. Guggenheim made it plain he will not only attempt to clear his own name, but will make an effort to clear her when he appears to defend the action through his attorney, John J. Curtin of No. 60 Wall Street.

Mrs. Guggenheim is living at the Criterion Club, No. 683 Fifth Avenue. He is twenty-nine years of age, was born in New York City and married in 1905. The couple have two children, Robert and Daniel Jr. Mr. Guggenheim is a member of the firm of M. Guggenheim & Sons, No. 145 Broadway, vice-president and general manager of the Great Eastern Construction Company, and a director of the Great Eastern Investment Company.

Mrs. Guggenheim is a daughter of Mrs. Jacob Bernheimer, and a niece of Mrs. DeWitt Seligman. She is living at the home of her mother, No. 35 West Seventy-second Street.

Mr. Guggenheim is one of the best known dog fanciers in the country. At great expense he brought a team of Eskimo dogs from Alaska, where he spent much time on his father's mining property, and exhibited them at the Westminster Kennel Club in 1908. His kennels are at Roslyn, L. I., near the Clarence Mackay country estate. He has a large number of English bull dogs, English greyhounds and fox terriers, most of them blue ribbon winners.

Mr. Guggenheim was graduated from the Columbia School of Mines, and in 1904, after a tour of Europe, he went to work at the Perth Amboy plant of the American Smelting & Refining Company. He began at the bottom of the ladder, and after going through all branches of the work, was given a position in the company's mines.

GETS \$16,000 HEART BALM.

Verdict in Garmon - Henderson Case Given to Girl.

BANGOR, Me., Jan. 27.—Damages of \$16,000 were awarded by a jury to-day to Miss Elizabeth L. Garmon, formerly of Des Moines, Iowa, in her suit against John B. Henderson, a wealthy citizen of Washington, for breach of promise.

GERMAN LOSS OF 3,500 REPORTED BY FRENCH IN BATTLES ON CANAL

French Admit Losses at Craonne, but Claim to Have Repulsed Other Attacks Made in Honor of Kaiser's Birthday.

NEW BATTLE AT LA BASSEE; BOTH SIDES CLAIM SUCCESS

BERLIN (via wireless to Sayville, L. I., Jan. 27 (United Press).—Brilliant successes in a series of infantry charges against the French positions on the heights near Craonne were claimed in the official War Office statement this afternoon.

Saxon troops, it is declared, stormed and took several important French positions extending along a battle line of 1,500 yards, pushing the French back upon the southern slopes. The German assault was a counter-attack, delivered after the French had made an unsuccessful attempt to recover the trenches lost on the preceding day.

"We took 865 wounded French prisoners, eight machine guns and one pioneer depot from which French sappers obtained their supplies," said the official statement. "We also captured other war material."

Big Battles on Kaiser's Birthday; Army Attacks from Sea to Rheims

PARIS, Jan. 27.—(United Press).—Many soldiers were slain in a series of charges against the allies' entrenchments on the anniversary of the Kaiser's birthday—the fifty-sixth.

Inspired by the presence of the Emperor on the battle front, German forces made simultaneous night attacks of unusual ferocity upon the French and English lines from the sea coast southward nearly to Rheims.

Except in the vicinity of Craonne, where the French were forced to evacuate a trench, the Germans were hurled back. They left many dead and wounded on the field.

The fighting along the wooded heights west of Craonne was furious before daylight. Desperate infantry assaults upon the French positions followed a celebration and song service along the German trenches, supposedly in commemoration of the Kaiser's birthday.

Strains of "Die Wacht am Rhein" were still drifting across to the French lines when the German attack suddenly broke on the French left. The Germans were within 300 yards of the barbed wire entanglements before they were discovered.

Searchlights were played upon the advancing Germans. Machine guns poured a withering fire into their ranks. German charges against the French lines were being frequently renewed to-day.

The Kaiser is reported on the German battle front near Ypres. The War Office this afternoon issued a flat contradiction of German claims of successes west of La Bassee. Reports of an English victory in that region have been confirmed, the War Office announced. More than 400 German dead were picked up along the Bethune road.

This is in direct conflict with the Berlin report, issued to-day. The Paris announcement says the Germans lost two battalions (2,000 men), whereas the Germans insist that the British attack "broke down" in an attempt to regain lost trenches. Paris claims that new German pontoon bridges across the Meuse were destroyed. Berlin insists that a French support was captured and that counter-attacks were unsuccessful.

OFFICIAL GERMAN REPORT Second Defeat of the British Claimed by Berlin Officials

BERLIN, by wireless to London, Jan. 27 (Associated Press).—The following statement concerning the fighting of yesterday was given out to-day at the War Office in Berlin:

"Only artillery duels took place at Neuport and at Ypres. At Guiney, southwest of La Bassee, the enemy attempted yesterday evening to recapture positions which we had taken away on Jan. 25. He was unsuccessful and the attack broke down under our fire."

"The battles on the heights of Craonne, reported yesterday, were entirely successful. The French were driven out of their